United Nations CCPR/C/118/2

International Covenant on Civil and Political Rights

Distr.: General
13 March 2017

Original: English

Human Rights Committee

Report on follow-up to the concluding observations of the Human Rights Committee*

I Introduction

1. The Human Rights Committee, in accordance with article 40 (4) of the International Covenant on Civil and Political Rights, may prepare follow-up reports based on the various articles and provisions of the Covenant with a view to assisting States parties in fulfilling their reporting obligations. The present report is prepared pursuant to that article.

2. The report sets out the information received by the Special Rapporteur for follow-up to concluding observations and the Committee's evaluations and the decisions that it adopted during its 118th session. All the available information concerning the follow-up procedure used by the Committee since its one-hundred-and-fifth session, held in July 2012, is outlined in a table available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/INT_CCPR_UCS_118_25489_E.pdf.

Assessment of replies	
Reply/action satisfactory	
A	Response largely satisfactory
Reply/action partially satisfactory	
B1	Substantive action taken, but additional information required
B2	Initial action taken, but additional information and measures required
Reply/action not satisfactory	
C1	Response received but actions taken do not implement the recommendation
C2	Response received but not relevant to the recommendation

* Adopted by the Committee at its 118th session (17 October–4 November 2016).

GE.17-03855(E)

Please recycle

No cooperation with the Committee

D1 No response received within the deadline, or no reply to a specific question in the report

D2 No response received after reminder(s)

The measures taken are contrary to the Committee's recommendations

E Response indicates that the measures taken are contrary to the Committee's recommendations

II. Assessment of follow-up information

107th session (March 2013)

Angola

Concluding observations:	CCPR/C/AGO/CO/1, adopted 27 March 2013
Follow-up paragraphs:	7, 10 and 23
First reply:	24 June 2014
Committee's evaluation:	Paragraph 23 **[A]**. Additional information required on paragraphs 7 **[C1]**, 10 **[B1]**|**[B2]**|**[C1]**|**[C1]** and 23 **[B1]**
Second reply:	23 November 2015
Committee's evaluation:	Paragraphs 7 **[B2]**, 10 **[B1]**|**[B2]**|**[C1]**|**[C1]** and 23 **[A]** (previously evaluated, see CCPR/C/112/2) and **[B1]**

Paragraph 7: The State party should revise the Ombudsman Law to ensure that it complies with the Paris Principles (General Assembly resolution 48/134, annex) or establish a new national human rights institution with a broad human rights mandate in line with the same principles.

Follow-up question:

[C1]: Additional information is required regarding whether the State party intends to revise the law on the Ombudsman to ensure that it fully complies with the Paris Principles, or if the State party intends to establish a new national human rights institution that complies with the Paris Principles.

Summary of State party's reply:

The State party repeated information provided in its first follow-up report (see CCPR/C/AGO/CO/1/Add.1, paras. 9 and 11) on the Office of the Ombudsman being in conformity with the Paris Principles. It was studying the possibility of establishing a national human rights institution that complied with the Principles. A proposition to modify the status of the Ombudsman was being studied.

Committee's evaluation:

[B2]: The Committee takes note of the information provided by the State party on the

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initiative to modify the status of the Ombudsman, but requests additional information on the progress and content of the initiative and whether it is in line with the Paris Principles. The Committee reiterates its request in this regard.

Paragraph 10: The State party should adopt a national strategy to prevent and address gender-based violence in all its forms and manifestations. In this regard, the State party should collect data to establish the magnitude of the problem, its causes and consequences on women. The State party should also adopt measures to ensure the effective application of Law 25/11 of 14 July 2011 against domestic violence by domestic courts and law enforcement officials. The State party should further ensure that cases of domestic violence are thoroughly investigated, perpetrators prosecuted and, if convicted, punished with appropriate sanctions; victims should be adequately compensated. Furthermore, the State party should strengthen its measures of protection and prevention, in particular by increasing the number of shelters and providing rehabilitation to victims. It should pursue awareness-raising campaigns among the population on the issue of domestic violence and its negative effects on women and girls.

Follow-up question:

[B1]: (a) The Committee commends Angola for adopting legislative measures to better protect women against violence, including the executive plan to fight against domestic violence and the presidential decree that regulates the Law 25/11 against domestic violence. It requires, however, information on the implementation and impact of such legislative measures.

[B2]: (b) The Committee notes the statistical information provided but requests updated statistical information on cases of violence against women, including domestic violence, and investigations, prosecution and punishment of perpetrators in the last three years (2012, 2013 and 2014). The Committee also requests additional information on the progress of the study currently being carried out to identify and examine the cultural, religious and social factors that favour violence against women. Please also provide information on the functioning and the impact of the department on domestic violence created within the National Directorate of Criminal Investigation.

[C1]: (c) On measures of protection and prevention, the Committee notes that no information was provided on measures taken after the adoption of the Committee's concluding observations on 27 March 2013. It requires additional information on measures taken or envisaged to be taken to protect and prevent gender-based violence. Please report on the number of shelters created or envisaged to be created and measures taken to improve the services provided for the rehabilitation of victims.

[C1]: (d) Concerning the awareness-raising campaigns on the issue of domestic violence, the Committee notes that no information was provided on campaigns carried out after the adoption of the Committee's concluding observations on 27 March 2013. Additional information is required on the UNITE initiative and on any other campaign carried out after 27 March 2013.

Summary of State party's reply:

(a) The State party noted that a multi-sectorial technical committee had been established for the implementation, evaluation and monitoring of the executive plan to combat domestic violence. That committee had conducted several activities and training programmes, and there had been television and radio debates on domestic violence. As a result, the executive

plan had enabled people to break the silence and to denounce cases of violence.

(b) The State party provided updated statistical information on cases of violence against women. In 2014, the department on domestic violence of the National Directorate of Criminal Investigations had registered 3,076 cases of domestic violence. Most of the cases concerned physical and psychological violence and abandoning the family, and victims were mostly women and children.

(c) The State party was conducting several projects for the construction of family counselling centres and was also conducting training for family and legal advisers. Eight shelters were open and one shelter was under construction.

(d) Concerning awareness-raising campaigns, the State party mentioned the launch of several campaigns, such as the UNiTE initiative and the "zero tolerance" campaign aimed at raising awareness about domestic violence.

Committee's evaluation:

[B1]: (a) The Committee appreciates the information provided by the State party on the implementation of legislative measures to better protect women against violence, but requests clarification on which measures were taken after the adoption on 27 March 2013 of the concluding observations. It also requests information on the financial and human resources allocated to the multi-sectorial technical committee and whether they are sufficient to perform its functions.

[B2]: (b) The Committee welcomes the updated statistical information provided by the State party on cases of violence against women. However, it reiterates its requests for statistics on the number of investigations, prosecution and punishment of perpetrators of domestic violence and compensation to victims in the past three years, and for information regarding the study to identify and examine the cultural, religious and social factors that foment violence against women. It also reiterates its request for information on the functioning and the impact of the department on domestic violence created within the National Directorate of Criminal Investigations.

[C1]: (c) The Committee appreciates the information on the number of shelters, but requests information on the shelters created after the adoption on 27 March 2013 of the concluding observations, updated information on the shelter under construction, and information on measures taken to improve the services provided for the rehabilitation of victims.

[C1]: (d) The Committee welcomes the information provided by the State party on the UNiTE and zero tolerance initiatives, but reiterates its request for further information on awareness-raising campaigns carried out after 27 March 2013.

Paragraph 23: The State party should finalize the adoption of the new decree on free birth registration for all children and adults, and improve its official system of birth registration. It should also conduct awareness-raising campaigns on birth registration procedures within communities, in particular in rural areas.

Follow-up question:

[A]: The Committee welcomes the adoption of the Presidential Decree 80/13 and the Executive Decree 309/1 on free birth registration and free identification card for all children and adults and hopes that the measure will continue beyond 31 December 2016.

[B1]: Additional information is required on:

(a) Awareness-raising campaigns on birth registration procedures after the adoption of the

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Committee's concluding observations:

(b) Measures taken to improve the official system of birth registration since the adoption of the Committee's concluding observations.

Summary of the State party's reply:

The State party replied that, in order to meet the objectives of Presidential Order 80/13 and Executive Decree 309/13, it had adopted a number of measures, such as distributing leaflets and creating television and radio advertisements on civil registration. The number of registrations had increased to 5,000 in consulates in Namibia, South Africa and Zambia, and specific campaigns for registrations had been organized in consular missions.

In total, 19 new registration services had opened, and an information and statistics processing programme had been developed for birth registrations. The number of Angolans that held a birth certificate had increased by more than 10 per cent.

Committee's evaluation:

[A]: See previous evaluation, CCPR/C/112/2.

[B1]: The Committee welcomes the improvements achieved by the State party regarding birth registrations, but reiterates its request for information on measures adopted after the adoption of the concluding observations. The State party should also indicate when the 19 new registration services were established.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report: 28 March 2017

Macao, China

Concluding observations:	CCPR/C/CHN-MAC/CO/1, adopted 27 March 2013
Follow-up paragraphs:	7, 11 and 17
First reply:	5 April 2014
Committee's evaluation:	Additional information required on paragraphs 7 **[C1]**, 11 **[C1]** and 17 **[B2]**
Second reply:	1 February 2016
Committee's evaluation:	Additional information required on paragraphs 7 **[E]**, 11 **[B2]** and 17 **[B2]**

Paragraph 7: Macao, China, should consider taking all preparatory measures with a view to introducing universal and equal suffrage in conformity with the Covenant, as a matter of priority. It should outline a clear and comprehensive plan of action and set timelines for the transition to an electoral system based on universal and equal suffrage that will ensure enjoyment by all its citizens of the right to vote and to stand

for election in compliance with article 25 of the Covenant, taking due account of the Committee's general comment No. 25 (1996). The Committee recommends that Macao, China, consider steps leading to the withdrawal of the reservation to article 25 (b) of the Covenant.

Follow-up question:

[C1]: The recommendation has not been implemented. The Committee reiterates it.

Summary of reply from Macao, China:

Macao, China, informed the Committee that there was no additional response to the Committee's recommendation regarding the withdrawal of the reservation of article 25(b) of the Covenant. It repeated information it had provided in its replies to the follow-up to the concluding observations, including re-emphasizing that the Committee's recommendation did not conform to the current political system of Macao, China (see CCPR/C/CHN-MAC/CO/1/Add.1, para. 1).

Committee's evaluation:

[E]: The Committee regrets that Macao, China, has not considered taking action to implement the recommendations, including development of an action plan and timeline to institute universal and equal suffrage, and has not considered taking steps to withdraw the reservation to article 25 (b). The Committee reiterates its recommendations.

Paragraph 11: The Committee reiterates its previous recommendation and urges Macao, China, to pursue negotiations with mainland China with a view to reaching a firm agreement on the transfer of offenders from Macao, China, to the mainland, as a matter of priority. Macao, China, should ensure that the agreement is in line with its obligations under articles 6 and 7 of the Covenant.

Follow-up question:

[C1]: Macao, China, has not provided specific information on the current stand and results of the negotiations it has already conducted with mainland China on the arrangement of legal assistance in criminal cases. The recommendation has not been implemented. The Committee requests further information on the negotiations between Macao, China, and mainland China on the transfer of offenders.

Summary of reply from Macao, China:

Macao, China, informed the Committee that the Government had submitted to the Legislative Assembly a draft law on interregional legal assistance in criminal matters providing for general cooperation principles and legal procedures, including the surrender of fugitive offenders, the implementation of criminal judgements, the transfer of sentenced persons, the transfer of proceedings in criminal matters and other legal cooperation in criminal matters. The draft law also established the legal basis for assistance in criminal matters between Macao, China, and other jurisdictions of China.

The Government of Macao, China, had held negotiations with a delegation from China regarding the arrangement for the surrender of fugitive offenders and had reached a basic consensus. Both parties would sign the arrangement when all the conditions were met.

Committee's evaluation:

[B2]: The Committee notes the information provided by Macao, China, but requests

information on the status of the draft law on interregional assistance in criminal matters. Regarding the negotiations between Macao, China, and mainland China on the transfer of offenders, the Committee welcomes the information provided on the arrangement for the surrender of fugitive offenders, but requests specific information on the content of the arrangement, including whether it is in line with the obligations under articles 6 and 7 of the Covenant, and when Macao, China, expects to conclude negotiations and sign the arrangement.

Paragraph 17: Macao, China, should strengthen the protection of rights of migrant workers against abuses and exploitation and establish affordable and effective mechanisms to ensure that abusive employers or recruitment agencies are held accountable.

Follow-up question:

[B2]: The Committee requests additional information on the following:

(a) Whether and how Macao, China, provides free or affordable legal advice to non-resident workers and employers advising them of applicable rights, obligations and protections;

(b) Statistical information on the incidence of labour law violations committed against non-resident workers, particularly with respect to the absence of formal contracts, excessive fees requested by recruitment agencies and the payment of lower wages to local workers, and the investigation and pursuance thereof by Macao, China;

(c) Statistical information on complaints filed by non-resident workers with the Labour Affairs Bureau, and subsequent actions taken by the Bureau or other governmental agencies;

(d) The regulation of employment agencies and measures taken by Macao, China, to ensure that those employment agencies do not exploit non-resident workers.

Summary of reply from Macao, China:

(a) Macao, China, noted that the Labour Affairs Bureau had been providing free consultation services to local workers, non-resident workers and employers to advise them about their rights, guarantees and obligations. The Bureau also provided an "interactive voice response system" and a "consultation service hotline for the Labour Relations Law" for the public to inquire through telephone calls.

Macao, China also provided examples of how the Bureau had been using various media outlets and a special web page and e-mail to promote knowledge about certain provisions of labour laws and address inquiries.

(b) Macao, China provided, statistical information, covering the period from 2010 to November 2015, on the number of files opened, the number of workers involved and the outcomes of claims involving labour disputes, as well as specific information on violations of the obligation to conclude labour contracts with non-resident workers in writing, and on employment agencies charging fees involving non-resident workers (see second follow-up reply of Macao, China, pp. 4-5). It also provided statistical information on cases involving the non-payment by employers of wages from January to November 2015 (Ibid., pp. 6-7).

Macao, China, repeated information provided in its replies to the follow-up on concluding observations (see CCPR/C/CHN-MAC/CO/1/Add.1, para. 3) on regulations of labour contracts established with non-resident workers, the protection of non-residents and local workers and the principle of equal remuneration (ibid, paras. 5-6), the role of the Human

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Resources Office in endorsing applications of employment permissions, and the penalties faced by employers who failed to pay the full amount of a non-resident worker's salary provided for in the employment permission (ibid. paras. 3 and 7).

(c) Macao, China, provided statistical information on the Labour Affairs Bureau's receipt of non-residents workers' complaints from 2010 to November 2015 (see second follow-up reply of Macao, China, p. 7) and elaborated on information provided in its replies to the follow up on concluding observations (see CCPR/C/CHN-MAC/CO/1/Add.1, para. 7) on how the Bureau dealt with complaint files from non-resident workers.

(d) Macao, China, elaborated on information provided in its replies to the follow-up on the concluding observations (see CCPR/C/CHN-MAC/CO/1/Add.1, para. 4) on the regulation of employment agencies. It noted that, pursuant to Decree-Law No. 32/94/M, recruitment agencies must be licensed and the Labour Affairs Bureau could revoke an agency's license if a violation is found. It described the different provisions of that Decree-Law for different service objects of employment agencies. Macao, China, noted that article 16 (c) of the Decree-Law forbade employment agencies from serving as intermediaries and from paying workers' remunerations, and that such actions were punishable by a fine of MOP$10,000 to MOP$30,000 for every worker.

Committee's evaluation:

[B2]: The Committee appreciates the efforts made by Macao, China, to provide detailed information on the protection of rights of migrant workers. The Committee requests specific information on measures taken to improve access to affordable legal assistance since the adoption of the concluding observations, including statistics regarding the number of workers assisted through the various measures described. The Committee welcomes the statistical information provided, but requests information for each type of case on the number of cases or complaints since the adoption of the concluding observations and on the investigation and resolution of such cases by Macao, China, as well as information on measures taken since the adoption of the concluding observations to ensure that employment agencies do not exploit non-resident workers.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 30 March 2018

109th session (October 2013)

Mozambique

Concluding observations:	CCPR/C/MOZ/CO/1, adopted 30 October 2013
Follow-up paragraphs:	13, 14 and 15
First reply:	24 November 2015
Committee's evaluation:	Additional information required on paragraphs 13 **[B2][C1]**, 14 **[B1][B2][B2][C1][D]**, 15 **[C1][C1][D]**
Non-governmental organizations:	Liga Moçambicana dos Direitos Humanos, Article 5 Initiative, Centro de Estudos Moçambicanos e Internacionais, Centro de Aprendizagem e Capacitação da

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Sociedade Civil, Centro de Estudos e Promoção de Cidadania, Direitos Humanos e Meio Ambiente, Centro de Estudos de Democracia e Desenvolvimento, Associação Moçambicana para Defesa das Minorias Sexuais, Ordem dos Advogados de Moçambique, Associação Centro de Direitos Humanos, Fórum Mulher and Governance Development Institute

Paragraph 13: The State party should take appropriate measures to ensure that no one under its jurisdiction is subject to arbitrary arrest or detention and that detained persons enjoy all legal guarantees, in compliance with articles 9 and 14 of the Covenant. It should ensure that persons deprived of their liberty are adequately informed about their rights so as to enable them to exercise in practice their right to effective judicial redress and compensation, and that appropriate sanctions be imposed on those responsible.

Summary of State party's reply:

The State party repeated information in its initial report (see CCPR/C/MOZ/1, para. 112) about police training and from its replies to the Committee's list of issues (see CCPR/C/MOZ/Q/1/Add.2, paras. 53-56) about the Institute for Legal Assistance and Representation and its mandate. It stated that, when violations did occur, appropriate corrective measures were taken and the Institute regularly provided legal assistance to detainees, but that access to legal assistance remained an issue.

In partnership with civil society organizations, the Ministry of Justice, Constitutional and Religious Affairs, the National Penitentiary Service, the National Directorate for Human Rights Citizenship and the Institute for Legal Assistance and Representation conducted civil and legal educational programmes in detention facilities.

Information from non-governmental organizations:

In September 2013, the Constitutional Council adopted a judgment that introduced important changes relating to arbitrary detention. A new Criminal Code entered into force in June 2015; it contains provisions against arbitrary arrest.

The State has increased its human rights trainings for police officers and prison staff.

Citizens continue to be arrested and detained arbitrarily, for instance because they are unable to pay court fees. The current legislation does not provide a clear framework for compensation for unlawful detentions. Most people arrested or detained are not promptly and adequately informed of their rights or even of the charges against them.

Committee's evaluation:

[B2]: The Committee notes the Constitutional Council's judgment 4/CC/2013 and the enactment of the Criminal Code, as indicated by civil society. It requests further information on the content and implementation of any new protections related to arbitrary arrests and detentions resulting from those measures since the adoption of the concluding observations of 30 October 2013 (CCPR/C/MOZ/CO/1).

[C1]: The Committee takes note of the civil and legal educational programmes conducted in detention facilities and the training courses provided to police and prison staff, but requests information on the number and content of such courses and the number of persons trained since the adoption of the concluding observations. The Committee also notes the

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State party's acknowledgment that access to legal assistance remains an issue, and requests information on measures taken since the adoption of the concluding observations to ensure that all detainees have access to counsel. The Committee requests information on the investigations carried out on arbitrary arrest or detention, the prosecutions and sanctions imposed on those found responsible since the adoption of the concluding observations, and the compensation awarded to victims. The Committee reiterates its recommendation.

Paragraph 14: The State party should take urgent measures to establish a system of regular and independent monitoring of places of detention and to reduce overcrowding and improve conditions of detention, including for juvenile offenders, in line with the Covenant and the Standard Minimum Rules for the Treatment of Prisoners. In this regard, the State party should consider not only the construction of new prison facilities but also the application of alternative measures to pretrial detention, such as bail, home arrest, etc., and non-custodial sentences, such as suspended sentences, parole and community service. The State party should investigate promptly cases of death in custody, prosecute those responsible and provide appropriate compensation to families of victims. It should also ensure that the principle of separation of juvenile detainees from adults in detention facilities is respected and that prisoners who have completed their sentences are released without delay.

Summary of State party's reply:

The State party replied that Law 3/2013, establishing the National Penitentiary Service had been reinforced in December 2013 by Decrees 63 and 64, which approved the Service's organic statute, staff regulations and internal regulation.

In the first half of 2015, forty disciplinary offenses had been recorded in correctional facilities. Those offenses had resulted in eight communications, 25 disciplinary proceedings and seven dismissals.

Alternatives to imprisonment had been introduced in the new Criminal Code adopted in December 2014, but its implementation depended on the approval of the Penal Procedure Code and the Correctional Execution Code. It was expected that overcrowding would be minimized with the construction of more prisons and the introduction of alternatives to imprisonment.

The State ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and had identified the National Human Rights Commission as a monitoring mechanism. As a result, the situation in places of detention had improved considerably.

The State party had no record of any individuals detained beyond the end of their sentences. Any recorded cases were referred to the judiciary.

Information from non-governmental organizations:

Mozambique ratified the Optional Protocol to the Convention against Torture on 1 July 2014. The National Human Rights Commission is not in a position to suitably fulfil the requirements of an effective national preventive mechanism, as its access to police detention facilities is limited.

The December 2014 Criminal Code introduced alternatives to pretrial detention and non-prison sentences.

There has been some improvement in the conditions of detention, but overcrowding

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remains a problem. Projects to build new prisons have not been fully implemented.

Food quantity has increased and sanitation and access to water in prisons has improved, but many detainees are held in prolonged pretrial detention.

No notable changes have been made regarding the investigation of cases of death in custody.

There have been no notable changes regarding the separation of adults and juveniles in custody.

Committee's evaluation:

[B1]: The Committee welcomes the ratification of the Optional Protocol to the Convention against Torture and the designation of the National Human Rights Commission as a national preventive mechanism. The Committee requests further information on measures envisaged to ensure that the National Human Rights Commission can undertake in full independence regular and unannounced visits to all places of detention in the State party, including police stations.

[B2]: The Committee welcomes the adoption of new legislation and measures to improve conditions of detention and reduce overcrowding, but requests information on the content and impact of those measures, including:

(a) Current levels of overcrowding, disaggregated by facility;

(b) The content of the new legislation on alternative measures to detention and steps taken to implement those measures;

(c) The plans for constructing new prison facilities and progress made in implementing those plans.

[B2]: The Committee welcomes the information on disciplinary offenses recorded, but requests further information on the types of offenses committed and the penalties imposed. It reiterates its request for information on investigations of cases of death in custody and efforts to prosecute those responsible and provide appropriate compensation to families of victims.

[C1]: The Committee notes the State party's statement that it has no record of individuals detained beyond the end of their sentence, and requests information on measures taken to prevent and remedy such detention.

[D]: The Committee regrets the absence of information on the separation of juveniles and adults and requests information in that regard. The Committee reiterates its recommendation.

Paragraph 15: The State party should continue to increase the number of qualified and professionally trained judicial personnel, as a matter of urgency; continue efforts to decrease delays in proceedings, simplify and make transparent the procedure by which court fees are calculated and ensure that legal assistance is provided in all cases where the interest of justice so requires. The State party should also ensure that the system of community courts function in a manner consistent with article 14 and paragraph 24 of general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, and decisions emanating from these bodies do not run counter the State party's obligations under the Covenant.

Summary of State party's reply:

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The State party indicated that the judiciary had gone through major reforms, including the development of a legal and institutional framework, the judicial network expansion and the creation and commissioning of superior courts of appeal. Those improvements would relieve the burden of other courts in enforcing verdicts. Regional administrative courts had also been expanded. The National Human Rights Commission was operative (see CCPR/C/MOZ/Q/1/Add.2, paras. 53-56) and conflict mediation and arbitration centres had been established.

The Court Fees Code had been revised to improve court procedures.

The State party repeated the information provided in its replies to the Committee's list of issues (see CCPR/C/MOZ/Q/1/Add.2, paras. 54 and 55) about legal representation and the establishment of the Institute for Legal Assistance and Representation. The Institute had offices in all 11 provinces. Thanks to the Institute, in the period 2010-2014, 462,059 economically disadvantaged citizens had benefited from legal aid and representation.

Information from non-governmental organizations:

There are plans to increase the training of new judges and prosecutors, but there are no plans to increase their number. There are only 288 active judges and 374 prosecutors in the country. The State's single training centre for judges and prosecutors trains an average of 60 new students a year. Since the adoption of the concluding observations, non-governmental organizations have received numerous complaints from rights holders about the poor quality of the justice system.

The issue of court fees remains a problem despite the adoption of a decree in November 2014 that reformed three provisions of the national Code on Court Fees. The process of calculating court fees remains unclear. Furthermore, court fees are connected to the remuneration of judges and prosecutors, so judges have a personal interest in denying poverty certificates and requiring the payment of fees. There is a trend towards sentencing individuals with resources since those who are acquitted do not have to pay court fees.

The State party has taken no steps to improve the functioning of community courts, which are sources of human rights violations, and particularly judgments that may violate the rights of women and promote discrimination, and sentences that sometimes involve corporal punishment and property burning or expulsion from the community.

Most community courts have no proper facilities, and there is concern over their political dependence.

Committee's evaluation:

[C1]: The Committee acknowledges the information provided on measures aimed at reforming the judicial system, but requests information on which actions occurred after the adoption on 30 October 2013 of the Committee's concluding observations (CCPR/C/MOZ/CO/1), including measures to increase the number of judicial personnel.

[C1]: The Committee notes the adoption of the decree No. 67/2014 amending the national Code on Court Fees, as indicated by civil society, and requests information about: (a) the content of that decree, including changes made to the calculation of court fees and plans for systemic reform with a view to addressing abuses, simplifying procedures and transparency; and (b) steps taken to ensure the provision of legal assistance since the adoption of the concluding observations.

[D]: The Committee regrets that the State party has not provided information regarding community courts and the concrete measures taken and mechanisms in place since the

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concluding observations to ensure that the operation of those courts is consistent with article 14 of the Covenant. The Committee also regrets the lack of any information on increasing the number of members of the judiciary. The Committee reiterates its recommendations in that regard.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report: 1 November 2017.

112th Session (October 2014)

Haiti

Concluding observations: CCPR/C/HTI/CO/1, adopted 27 October 2014

Follow-up paragraphs: 7, 10, 19 and 20

First reply: 4 February 2016

Committee's evaluation: Additional information required on paragraphs 7 **[C1]**, 10 **[B2]**, 19 **[C1]** and 20 **[B2]**

Non-governmental organization: La Coalition des Organisations Haïtiennes des Droits Humains sous la Coordination des Défenseurs Plus

Paragraph 7: In order to effectively combat the impunity that prevents advances in the rule of law in Haiti, the State party should pursue its investigations in the Duvalier case and bring to justice all those responsible for serious violations committed during that presidency and give victims fair and equitable reparation. The State should implement the recommendations of the National Commission on Truth and Justice in respect of the serious violations committed between 1991 and 1994. The Committee recalls the State party's obligation to bring criminal proceedings for any serious violation of human rights.

Summary of State party's reply:

Regarding the Duvalier case, the State party explained that the investigating judge of the Port-au-Prince Court of First Instance, by order dated 30 January 2012, had referred the case against Mr. Duvalier to the correctional court for charges of embezzlement and had rejected the accusation of crimes against humanity. Following that decision, an appeal was filed by the civil party and, on 20 February 2014, the court of appeal upheld the decision regarding the accusation of financial crimes and declared admissible the accusation of crimes against humanity against Mr. Duvalier, and a judge was designated to re-examine the case.

The civil party then brought a claim in front of the cassation court for the recusal of the designated judge. While the appeal in front of the cassation court was still pending, Mr. Duvalier died on 4 October 2014. All implicated persons were questioned. The judge concerned did not reveal any information on the progress of the inquiry, by invoking the confidentiality of the investigations.

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As regards the Raboteau proceedings, the judgment on the case had been set aside by the cassation court. The State party submitted that it was fully conscious of the need to secure justice for victims; however, the case posed certain difficulties owing to the long period of time that had elapsed and the current weakness of judicial means to restart the proceedings. It further submitted that the legal system was undergoing reform and that the government hoped to be in a position to address the issue once the reform process had achieved a certain level of maturity. Meanwhile, the State party focused all its energy on creating mechanisms to prevent the repetition of such massive human rights violations.

Information from the non-governmental organization:

Since the death of Jean-Claude Duvalier, no investigation has taken place. Haiti should provide appropriate means for the judge to pursue the investigation, speed up the process and, finally, set up legal, material, psychological and protection support for victims.

There have been no trials for serious violations committed between 1991 and 1994 following the recommendations of the National Commission on Truth and Justice. The lack of determination to fight against impunity for serious violations continues to prevail.

Committee's evaluation:

[C1] The Committee notes the information provided by the State party and the non-governmental organization, according to which no investigations have been initiated since the death of Jean-Claude Duvalier. The Committee requests further and specific information on investigations initiated and efforts to bring to justice all those responsible for serious violations committed during the Duvalier presidency and to give victims fair and equitable reparation, and the progress thereof since the concluding observations were adopted. The Committee also requests information on the ongoing reform of the legal system, including the timeline for adoption and the content of any reforms intended to combat impunity and to ensure that criminal proceedings are effectively pursued for any serious violation of human rights. The Committee further requests information on measures taken to implement the recommendations of the National Commission on Truth and Justice in respect of the serious violations committed between 1991 and 1994. The Committee reiterates its recommendations.

Paragraph 10: The State party should, as a matter of urgency, look into these cases of firearm deaths caused by the forces of law and order and ensure that they are investigated in a prompt and effective manner, prosecute those thought to be responsible and, if they are found guilty, sentence them to penalties in proportion to the seriousness of the acts and grant appropriate compensation to the victims and their families. The State party should guarantee that the General Inspectorate of the National Police is able to carry out these investigations independently and to routinely maintain statistics on homicides committed by the forces of law and order and on the unlawful use of firearms, covering investigations carried out, prosecutions brought, penalties prescribed and reparation awarded. The Committee encourages the State party to continue its efforts to provide the forces of law and order with human rights training in accordance with its obligations under the Covenant and in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, in order to reduce the incidence of homicide and serious injury caused by firearms.

Summary of State party's reply:

The State party submitted that the General Inspectorate of the National Police of Haiti had increased substantially the number of inquiries against the members of law enforcement,

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The State party provided statistical information on the number of cases against police officers processed and referred to prosecutors during the period from 2013 to July 2015.

The Government continued to provide the members of law enforcement with appropriate training at the police academy and during training sessions conducted by the General Inspectorate of the police.

Information from the non-governmental organization:

Some investigations into cases of police misconduct have been undertaken by the General Inspectorate of the National Police of Haiti and, in some cases, investigation reports have been made public. However, most of those cases have resulted in disciplinary and not criminal sanctions.

Investigations into police misconduct are not sufficiently transparent. The General Inspectorate of the National Police of Haiti is not a body independent of the police. This is a major obstacle in bringing to justice police officers responsible for abuses resulting in no reparation being provided to victims.

Training sessions have been provided to law enforcement personnel, thus it can be affirmed that Haiti has implemented the Committee's recommendation in that regard. However, Haiti should step up its efforts in this area. Training sessions on human rights are not conducted regularly.

Committee's evaluation:

[B2]: The Committee notes the information provided but requests specific information on measures taken since the adoption of the Committee's concluding observations on 27 October 2014, including: (a) updated statistics on the number of complaints received against the members of law enforcement and security forces and any resulting investigations, prosecutions, convictions and compensation to victims; and (b) training conducted by the General Inspectorate of the police, including information on the content of the training, the number of persons trained and whether the training addresses obligations under the Covenant and is in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The Committee also requests information on measures taken to ensure that the General Inspectorate of the National Police is able to carry out investigations into police misconduct independently. The Committee reiterates its recommendations.

Paragraph 19: The State party should take the necessary steps to protect human rights defenders and journalists so as to enable them to carry out their activities with complete freedom and no restrictions. The State party should, as a matter of priority, investigate all attacks on the life and dignity of these persons and bring the perpetrators to justice.

Summary of State party's reply:

The State party submitted that the Minister of Justice and of Public Security had asked the prosecutor's office of the Port-au-Prince Court of First Instance and the Director General of the National Police of Haiti to take the measures necessary to guarantee the safety of human rights defenders, including the lawyer Mario Joseph, who had claimed to be a victim of threats in the media. Between November 2014 and 2015, no complaint had been recorded against the forces of law and order and against political authorities for threats, harassment or intimidation against advocates of human rights, journalists and members of the opposition.

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Information from the non-governmental organization:

No specific measures have been taken to protect human rights defenders and journalists. However, there has been a reduction in targeted attacks by the Government against them since the consideration of the State party report by the Committee.

Some investigations had been launched, notably in relation to the assassination of the Dorsainvil couple in February 2014, but they did not succeed. Those responsible for their assassination have not yet been tried or sentenced and no form of support has been provided to the family of the victims.

Some government sympathizers continued to verbally attack journalists and human rights defenders. For instance, President Martelly had verbally abused journalist Liliane Pierre Paul before the armed attack on Radio Kiskeya that took place during the night from 30 November to 1 December 2015.

To date, there has been no follow-up by judicial authorities on complaints filed by human rights defenders.

Committee's evaluation:

[C1]: The Committee notes the information provided by the State party and non-governmental organizations, and requests further and specific information regarding the measures taken after the adoption of the Committee's concluding observations on 27 October 2014 to protect human rights defenders and journalists. The Committee also notes the State party's information that no complaint has been recorded against the forces of law between November 2014 and 2015. However, it further notes that complaints lodged by human rights defenders remain unaddressed, as indicated by the non-governmental organization. The Committee therefore requests information on all measures taken since the concluding observations were adopted to investigate all attacks on the life and dignity of human rights defenders and journalists, including the assassination of the Dorsainvil couple in February 2014, and to bring the perpetrators to justice. The Committee reiterates its recommendations.

Paragraph 20: The State party should, as a matter of urgency, take the necessary steps to organize the legislative and municipal elections due to have been held in 2011, in order to ensure that citizens have effective access to their rights under article 25 of the Covenant.

Summary of State party's reply:

The State party indicated that, on 23 January 2015, a provisional electoral council was installed after a consensus had been reached between the major political forces of the country. On 13 March 2015, an electoral decree was published. On 14 May 2015, the list of approved candidates for the legislative elections was made public.

A budget of $38 million had been envisaged for the organization of the elections. On 9 August 2015, the first round of legislative elections took place. On 28 September 2015, the results were published.

In a decree dated 3 March 2015, the President authorized all persons holding an expired voter's card to vote in order to allow maximum participation in the elections. Furthermore, political parties were given an allowance to equalize participation in the elections.

For reasons of public security, measures were taken to increase police personnel in all municipalities and especially in sensitive areas. Exceptional measures were put in place for

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the day of the election.

The presidential elections, the second round of the legislative elections and the rerun of the first round of the legislative elections in areas where it had been cancelled owing to irregularities had not yet taken place. They were scheduled for 25 October 2015 and the electoral period would end on 27 December 2015 with a second round of the presidential elections if needed.

Information from the non-governmental organization:

The electoral process started in 2015 is still ongoing. Municipal and legislative elections were conducted in 2015 with major irregularities, and cases of fraud were reported.

Despite the announcement of an electoral calendar, revised regularly, local and presidential elections have not been conducted as of 20 September 2016. According to the new electoral calendar, there are plans to hold local elections, elections for one third of the Senate membership, presidential elections and elections in regions where they had been cancelled on 25 October 2015 owing to massive fraud and serious irregularities.

There is no organic law regulating the provisional electoral council. The permanent electoral council mandated by the Constitution of Haiti has still not been established.

Committee's evaluation:

[B2]: The Committee notes that municipal elections and the first round of legislative elections have been held and that other steps have been taken, but that presidential and legislative elections planned for October and December 2015 have not yet been held. The Committee requests further and updated information regarding the presidential elections, the second round of legislative elections and the rerun of the first round of legislative elections, and regarding the specific reasons that prevented the first round of the legislative elections to be conducted in some areas. The Committee also requests information on measures that were taken to address reports of violence and electoral irregularities in the recent elections, and what measures will be implemented by the State party in order to prevent electoral irregularities and violence in future elections. The Committee further requests information on any plans to establish a constitutionally mandated permanent electoral council.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 31 October 2018

113th session (March 2015)

Croatia

Concluding observations:	CCPR/C/HRV/CO/3, adopted 31 March 2015
Follow-up paragraphs:	11, 13 and 23
First reply:	20 April 2016
Committee's evaluation:	Additional information required on paragraphs

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11 **[C1]**[**B2**], 13 **[B2]**[**B1**] and 23 **[B2]**[**C2**]

Paragraph 11: The State party should expedite the prosecution of cases of war crimes and crimes against humanity and ensure that all such cases are prosecuted in a non-discriminatory manner, regardless of the perpetrator's ethnicity. The State party should also ensure that all victims and their families receive adequate reparation for such violations.

Summary of State party's reply:

(a) With respect to the Committee's concern about the selection of cases being disproportionally directed at ethnic Serbs, the State party noted that the Attorney's Office did not keep statistics on war crimes according to the nationality of either the perpetrators or the victims. Since 1991, proceedings had been initiated against 3,553 persons, of whom 2,002 persons had been indicted, 589 had been convicted and first instance criminal proceedings against 642 persons were under way. The prosecution of war crimes was undertaken on the basis of clear and objective criteria, exclusively according to the principle of legality and impartiality, which was ensured by the legislative framework that establishes four specialized war crime chambers.

The State party elaborated on information provided in its replies to the list of issues on specific guidelines given to State attorneys to ensure a uniform application of standards for the prosecution of war crimes (see CCPR/C/HRV/3, para. 159). It also elaborated on the strategy adopted by the Ministry of Justice concerning the obligations of certain authorities in investigating and prosecuting war crimes committed during the period 1991-1995 (ibid., para. 142). That strategy defined priorities, capacities and future activities.

(b) Regarding compensation for victims of human rights violations during the conflict, special protection had been provided to victims of sexual violence in war and compensation and other forms of care were ensured by the Act of the Rights of Victims of Sexual Violence during the Armed Aggression on the Republic of Croatia during the Homeland War. Housing care was ensured and buildings were being constructed.

The State party repeated information provided in its replies to the list of issues that compensation was provided in accordance to the Act on the Protection of Military and Civilian Invalids and the Act on the Responsibility of the Republic of Croatia for Damages Caused by the Members of the Croatian Armed Forces during the Homeland War (see CCPR/C/HRV/3, para. 157).

Committee's evaluation:

[C1]: (a) The Committee takes note of the information provided by the State party on the measures taken to prosecute cases of war crimes, but requests information on measures taken after the adoption of the Committee's concluding observations on 31 March 2015 to expedite the prosecution of cases of war crimes and crimes against humanity and to ensure that prosecutions are conducted in a non-discriminatory manner. The Committee also requests clarification on the statistics provided by the State party on investigations and prosecutions and what "specified date" refers to. In particular, the Committee requests information on the number of prosecutions initiated or concluded after the adoption of the Committee's concluding observations.

[B2]: (b) The Committee welcomes the adoption of the Act of the Rights of Victims of Sexual Violence during the Armed Aggression on the Republic of Croatia during the Homeland War. However, it requests further information on measures taken since the adoption of the concluding observations to ensure that other victims and their families

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receive adequate reparation, including information on housing care and the construction of buildings allocated to victims of war crimes.

Paragraph 13: The Committee reiterates its previous recommendations (see CCPR/C/HRV/CO/2, para. 6) and recommends that the State party expedite efforts towards the resettlement and return of refugees, returnees and internally displaced persons.

Summary of State party's reply:

The State party submitted that, at the end of 2015, there were 238 displaced persons, 140 refugees and 51 returnees, totalling 429 persons. Of those, 323 were the beneficiaries of organized accommodation.

Regarding housing care for former tenancy rights holders, out of 4,375 applications submitted until 2015, 1,077 requests had been resolved in 2015, including 236 positively. In 2015, the State Office for Reconstruction and Housing Care had moved 121 families of former tenancy rights holders in the housing units inside and outside the areas of special state concern.

Regarding cases of so-called false purchases, return of property and unauthorized investments, the State party referred to article 5 of the Act on the Amendments to the Act on Areas of Special State Concern - which enabled settlements to be made with the owner to whom a building had been returned according to the programme of return and care for displaced persons and refugees, in a reasonable, appropriate and proportionate manner. The State submitted that, in 2015, in cases of unauthorized investments, 4 settlements had been concluded with the owners of immovable properties in accordance with the Act. Six cases were planned to be terminated in 2016.

The State party reiterated information provided in its periodic report concerning reconstruction procedures and regional cooperation (see CCPR/C/HRV/3, para. 201) and the implementation of the Regional Housing Programme (ibid., para. 215).It noted that 28 families of former tenancy rights holders had been provided with housing care in 2015 in Korenica, that the construction of two apartment buildings in Knin had started in November 2015 and the reconstruction of a house in Glina for the elderly had started in September 2015, and that 54 of the 101 planned housing units had been purchased to provide housing care for former tenancy rights holders and people from organized accommodations. It added that the purchase of the remaining 43 apartments was planned for 2016, and the grant agreement for the construction of an apartment building in Benkovac had been signed in 2015.

Regarding persons in organized accommodation, the State Office for Reconstruction and Housing Care gave priority to housing care for persons placed in organized accommodation facilities and worked intensively on preparations for the closure of all organized accommodation facilities. The facility "Strmica" had been closed in 2015 and the number of beneficiaries in other facilities had decreased. The settlement of displaced person Mala Gorica had been delayed because of the lengthy process of issuing a certificate of occupancy for the settlement of Dumace.

All organized accommodation facilities were expected to be closed in 2016 and upon completion of the construction projects of the Regional Housing Programme in Glina and Knin.

Committee's evaluation:

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[B2]: (a) The Committee welcomes the updated information on the current number of returnees in Croatia. However, it requests further information on concrete measures taken to facilitate the resettlement and return of refugees, returnees and internally displaced persons.

[B1]: (b) The Committee appreciates the efforts of the State party to expedite the provision of adequate housing for former tenancy holders and welcomes the updated information provided by the State party regarding reconstruction projects. The Committee requests information on the number of applicants who have received housing care since the adoption of the concluding observations, including an update on the six cases to be terminated in 2016. The State party should also provide updated information on the closure of organized facilities and on the completion of construction projects.

Paragraph 23: The State party should guarantee freedom of expression and freedom of the press, as enshrined in article 19 of the Covenant and elaborated on in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. It should also consider decriminalizing defamation and should restrict the application of criminal law to the most serious cases, bearing in mind that imprisonment is never an appropriate punishment in such cases. Furthermore, the State party should investigate incidents of attacks on journalists and the media, and bring those responsible to justice.

Summary of State party's reply:

(a) The State party noted that the Constitution of Croatia guaranteed freedom of thought and expression, including freedom of the press, and discussed the legal framework for defamation.

The 2015 Act on the Amendments to the Criminal Code defined three criminal offenses against honour and reputation: insult, serious defamation and defamation. The Act introduced some amendments, such as more clearly defining the preconditions in which the court may acquit a defendant who had asserted defamatory claims in the public interest. The concept of public interest was not defined in detail. When it related to journalists, the information on relevant social events or investigative journalism was in the public interest, thus serious defamation should be unlawful only when there was no public interest or other reasonable grounds. The 2011 Criminal Code and 2015 Act on the Amendments to the Criminal Code only envisaged fines as criminal sanctions for committing criminal offenses against honour and reputation.

(b) Investigations of cases of intimidation and attacks on journalists had been thorough, with monitoring by the State Attorney's Office. Where perpetrators had been discovered, the competent courts had rendered judgements.

Committee's evaluation:

[B2]: (a) The Committee notes the information provided by the State party and welcomes the clarification that both the 2011 Criminal Code and the 2015 Act on the Amendments to the Criminal Code only envisage fines as the criminal sanction for criminal offenses against honour and reputation. The Committee requests information on whether the State party has considered decriminalizing defamation. The Committee also requests information on the interpretation of the term "public interest", in the light of the 2015 Act on Amendments to the Criminal Code, particularly when it relates to information published in the media and by journalists.

[C2]: (b) The Committee requests information on measures taken since the adoption of the

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Committee's concluding observations on 31 March 2015 to investigate incidents of attacks on journalists and the media and to bring those responsible to justice, including specific examples of cases where perpetrators were brought to justice and the penalties imposed.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 2 April 2020

Cyprus

Concluding observations:	CCPR/C/CYP/CO/4, adopted 31 March 2015
Follow-up paragraphs:	5, 10 and 23
First reply:	29 April 2016
Committee's evaluation:	Additional information required on paragraphs 5 **[B2]**, 10 **[C1]** and 23 **[C1][C2]**

Paragraph 5:

The Committee is concerned that the Office of the Commissioner of Administration (the Ombudsman) lacks the necessary financial, technical and human resources to fulfil its very broad mandate, that it cannot appoint its own staff and it lacks financial autonomy. In addition, the Committee is concerned about the absence of Turkish-speaking staff and that the reports generated by the Office are not published in Turkish (art.2).

The State party should ensure that the Ombudsman has the financial and technical resources and personnel necessary to perform its task effectively on a fully independent basis, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (General Assembly resolution 48/134, annex).

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Summary of State party's reply:

The State party recognized that the Office of the Ombudsman lacked financial and human resources owing to the financial crisis, and repeated information provided in its replies to the Committee's list of issues (see CCPR/C/CYP/Q/4/Add.1, paras. 4 and 5).

It also repeated information from its replies to the list of issues that the Ombudsman had requested additional staff and the ability to appoint his or her own staff (see CCPR/C/CYP/Q/4/Add.1, para. 4). In that respect, the State party clarified that, pursuant to article 122 of the Cyprus Constitution, the staff of the Ombudsman, the Judiciary and the Legislature were deemed to be "civil servants" who were appointed, promoted and dismissed by the Public Service Commission and, as such, were subject to the provisions of the Public Service Law (L.1/1990, as amended).

The State party elaborated on the information provided in its replies to the list of issues regarding accreditation (see CCPR/C/CYP/Q/4/Add.1, para. 4). Furthermore, in July 2015, the Office of the Ombudsman had submitted an application to the Global Alliance of National Human Rights Institutions Subcommittee on Accreditation for accreditation as a national human rights institution under the Paris Principles. The Ombudsman had been informed that the Subcommittee had considered the application during its session from 16 to 20 November 2015 and had recommended that the Office be accredited with B status.

Regarding the absence of Turkish-speaking staff in the Office of the Ombudsman, the State party replied that the Public Service Law (L.1/1990, as amended) required the knowledge of Greek. Reports were only translated into Turkish when they evolved around an issue that concerned the Turkish Cypriot community. Finally, the State party mentioned that the website had been updated and included all relevant information in Turkish, Greek and English.

Committee's evaluation:

[B2]: The Committee welcomes the State party's efforts to accredit the Office of the Ombudsman and the updating of the website. It notes that in November 2015 the Office of the Ombudsman was accredited with B status by the Subcommittee on Accreditation (see http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/SCA%20FINAL%20REPORT%20-%20NOVEMBER%202015-English.pdf, pp. 7-10). However, the Committee regrets the State party's failure to allow the Ombudsman to appoint its own staff and to include Turkish speakers among its staff, and requests further information on concrete measures to deal with the lack of financial and human resources. The Committee reiterates its recommendations in that regard.

Paragraph 10: The State party should continue to provide support to the Committee on Missing Persons and take immediate steps to investigate all outstanding cases of missing persons from both the Greek and Turkish communities in an effective, transparent, independent and impartial manner. It should also ensure that the families of the victims obtain appropriate redress, including adequate compensation and psychological rehabilitation, and that the perpetrators are prosecuted and punished as appropriate.

Summary of State party's reply:

Cyprus was the major donor to the Committee on Missing Persons programme (after the collective contribution of the European Union). The State party repeated information provided in its replies to the list of issues (see CCPR/C/CYP/Q/4/Add.1, paras. 38 and 39)

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on the steps it had taken to support the Committee on Missing Persons, and regarding the way in which the Committee identified missing persons before informing the Attorney General, who then investigated each case (ibid., para. 40).

The State party replied that the reports stating that investigations of missing persons of Greek Cypriot nationality were prioritized over those relating to missing Turkish Cypriots were unfounded. It communicated that, according to the most recent data issued by the Committee on Missing Persons, out of a total of 2,001 missing persons on that Committee's official list, the whereabouts of 1,428 persons had yet to be determined, of which 1,073 were Greek Cypriots and 355 Turkish Cypriots, and that such data clearly indicated that there was no discrimination in favour of Greek Cypriot missing persons.

Regarding the families of victims, the Government continued to pay the salaries and/or pensions of the Greek-Cypriot missing persons to their families. A stipend was also granted to the families towards the expenses of the burial of the missing persons once they had been identified.

Committee's evaluation:

[C1]: The Committee notes the information provided by the State party, but requests specific information on measures taken after the adoption of the Committee's concluding observations (CCPR/C/CYP/CO/4): (a) to support the Committee on Missing Persons; (b) to investigate cases of missing persons from both the Greek and Turkish communities in an effective, transparent, independent and impartial manner; and (c) to ensure that the families of the victims obtain appropriate redress, including adequate compensation and psychological rehabilitation, and that the perpetrators are prosecuted and punished as appropriate. The Committee reiterates its recommendation.

Paragraph 23: The State party should continue its efforts to eradicate the economic, linguistic and cultural barriers facing Turkish Cypriots and other minorities. In that regard, it should intensify its efforts to integrate Turkish Cypriots into the civil service and the judiciary, including through the introduction of temporary special measures, and consider easing the language requirements for entering the civil service. It should also consider establishing a Turkish school in Limassol.

Summary of State party' reply:

(a) The State party replied that the provisions of the Constitution pertaining to the participation of the Turkish Cypriots in State institutions had been suspended because the Turkish Cypriot community had withdrawn its participation from the State institutions in 1963. It mentioned, however, that relevant positions remained vacant for their return (e.g. Vice President of the Republic, Vice President of the Parliament, members of Parliament) and that they were free to participate in procedures for any post in the civil service as the language requirements had been eased and measures taken to facilitate participation for those wishing to do so.

The State party noted that the Police was not a part of the civil service but of the security forces and thus was subject to different regulations in each Community.

Although the Ministry of Education and Culture was taking all measures necessary to guarantee equal access to education, the number of Turkish Cypriot pupils attending the Agios Antonios primary school had seen a 51 per cent decrease since 2007. Despite this drop, the number of Turkish-speaking teachers and interpreters remained sufficient and two additional teaching assistants had been placed at the school during the 2014-2015 school year.

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The State party also mentioned free, special courses for Roma children organized by the adult education centres, to teach history and other elements of their cultural heritage in 2013-2014 and 2014-2015. Since January 2016, the school had participated in a European funded programme entitled "Schools as learning communities in Europe: successful educational actions for all".

Finally, the State party elaborated on information provided in its replies to the Committee's list of issues (see CCPR/C/CYP/Q/4/Add.1, para. 196) on the programme entitled "Zones of educational priority" that had been implemented fully by the Ministry of Education and Culture and that had been replaced by the "School and social inclusion actions" programme, which provided additional measures of support to pupils in language and mathematics, teaching assistants in all classes and additional extracurricular activities. The Ministry also provided extra psychological assistance to the school with a school psychologist.

(b) The State party repeated information provided in its replies to the list of issues (see CCPR/C/CYP/Q/4/Add.1, para. 194) that, although the Council of Ministers had decided in principle to establish a school in Limassol with Turkish as the language of instruction, a survey conducted in 2005 among Turkish Cypriot parents had indicated that parents favoured attendance at the public school in their area.

Committee's evaluation:

[C1]: (a) The Committee notes the measures taken by the State party, but expresses regret at the lack of information regarding the adoption of temporary special measures. It requests information on measures taken to address the language requirements for entering the civil service since the adoption of the concluding observations, and whether this has resulted in an increase in participation of Turkish Cypriots in the civil service, as well as additional information on the reasons for the sharp drop in Turkish Cypriot pupils attending the Agios Antonios primary school.

[C2]: (b) The Committee takes note of the information provided by the State party, but requests information on measures taken to establish a Turkish school in Limassol since the adoption of the concluding observations, and on whether additional surveys have been conducted since 2005. The Committee reiterates its recommendations.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 2 April 2020